MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2017/2018

UJP 3612 – JURISPRUDENCE 1

(All Sections/Groups)
14 OCTOBER 2017
Reading Time : 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time : 2.45 p.m. –5.45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes. ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the question.
2. This Examination Paper consists of 4 Pages with 4 Questions only.
3. There are two parts in this Question Paper: Part A and Part B. Question 1 from Part A is COMPULSORY and must be answered. Answer TWO QUESTIONS ONLY from Part B.
4. Please write all your answers in the Answer Booklet provided.

PART A: THIS QUESTION MUST BE ANSWERED

QUESTON 1

Discuss the concepts stated below. For each concept support your answer with relevant illustrations and arguments.

(a.) 'law as integrity'	Ronald Dworkin	(10 marks)
(b.) 'felicific calculus'	Jeremy Bentham	(10 marks)
(c.) 'secondary rules'	H.L.A. Hart	(10 marks)
(d.) 'internal morality of law'	Lon L. Fuller	(10 marks)
(e.) 'veil of ignorance'	John Rawls	(10 marks)

(Total: 50 marks)

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PART B: ANSWER TWO QUESTIONS ONLY

QUESTION 2

"Jurisprudence involves the study of general theoretical questions about the nature of laws and legal systems, about the relationship of law to justice and morality and about the social nature of law."
Lloyd's Introduction To Jurisprudence (9th ed, 2014, London) p.2

In light of the above observation, discuss the nature, scope and application of jurisprudence on its practical importance to the Malaysian legal development.

(Total: 25 marks)

Continued...

QUESTION 3

"John Austin defined law as the command of the supreme authority in a society which imposes as duty to do or refrain from doing something and the duty is enforceable by a threat of sanction. This definition is generally considered as the correct explanation of the nature of law. An important merit of this definition is that it distinguishes legal rules that are enforceable from purely moral and social rules that are not backed by any enforceable threat of sanction. However, many writers do not agree and argue that the definition suffers from several defects."

Critically examine the statement and in what respects Austin's explanation of the nature and source of law suffers from several inadequacies.

(25 marks)

Continued...

QUESTION 4

While challenging Devlin's view that offenses against the moral code weaken a society, Hart considers it as a mere assumption and observes that "no reputable historian has maintained this thesis, and there is indeed much evidence against it. As a proposition of fact it is entitled to no more respect than the Emperor Justinian's statement that homosexuality was the cause of earthquakes."

Critically examine the above statement and adduce arguments for and against the enforcement of morals by positive law.

(25 marks)

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